

Executive Summary – Enforcement Matter – Case No. 43289
Brazos Electric Power Cooperative, Inc.
RN100221985
Docket No. 2012-0099-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Jack County Generation Facility, 3844 Henderson Ranch Road, Bridgeport, Jack County

Type of Operation:

Electric generation plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 13, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,200

Amount Deferred for Expedited Settlement: \$1,840

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,360

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 43289
Brazos Electric Power Cooperative, Inc.
RN100221985
Docket No. 2012-0099-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 29, 2011

Date(s) of NOE(s): December 2, 2011

Violation Information

1. Failed to comply with the particulate matter ("PM") maximum allowable emission rate ("MAER") for General Electric Model 7FA Combustion Turbine Generator ("GE 7FA CTG") Emission Point No. ("EPN") HRSG3 during a performance stack test completed on August 10, 2011. Specifically, during the maximum load test, the actual emission rate was 12.69 pounds per hour ("lbs/hr"), whereas the MAER is 12.0 lbs/hr [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F), Permit Nos. 83801 and PSD-TX-1117, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to comply with the PM MAER for GE 7FA CTG EPN HRSG4 during a performance stack test completed on August 12, 2011. Specifically, during the maximum load test, the actual emission rate was 12.08 lbs/hr, whereas the MAER is 12.0 lbs/hr [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F), Permit Nos. 83801 and PSD-TX-1117, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures at the Plant:

- a. On December 20, 2011, retested GE 7FA CTG EPN HRSG3, and demonstrated that PM emissions were compliant with the permit; and
- b. On December 21, 2011, retested GE 7FA CTG EPN HRSG4, and demonstrated that PM emissions were compliant with the permit.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 43289
Brazos Electric Power Cooperative, Inc.
RN100221985
Docket No. 2012-0099-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Heather Podlipny, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2603; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Mike Myers, Manager, Environmental Services, Brazos Electric Power
Cooperative, Inc., P.O. Box 2585, Waco, Texas 76702-2585

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	5-Dec-2011	Screening	11-Jan-2012	EPA Due	27-Aug-2012
	PCW	11-Jan-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Brazos Electric Power Cooperative, Inc.		
Reg. Ent. Ref. No.	RN100221985		
Facility/Site Region	3-Abilene	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	43289	No. of Violations	2
Docket No.	2012-0099-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Miriam Hall
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	2.0% Enhancement	Subtotals 2, 3, & 7	\$200
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Notes: Enhancement for one NOV with dissimilar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$1,000
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$405
Approx. Cost of Compliance \$22,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$9,200
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,200
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,840
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$7,360
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Screening Date 11-Jan-2012

Docket No. 2012-0099-AIR-E

PCW

Respondent Brazos Electric Power Cooperative, Inc.

Policy Revision 2 (September 2002)

Case ID No. 43289

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221985

Media [Statute] Air

Enf. Coordinator Miriam Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 2%

Screening Date 11-Jan-2012

Docket No. 2012-0099-AIR-E

PCW

Respondent Brazos Electric Power Cooperative, Inc.

Policy Revision 2 (September 2002)

Case ID No. 43289

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221985

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F), Permit Nos. 83801 and PSD-TX-1117, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the particulate matter ("PM") maximum allowable emission rate ("MAER") for General Electric Model 7FA Combustion Turbine Generator ("GE 7FA CTG") Emission Point No. ("EPN") HRSG3 during a performance stack test completed on August 10, 2011. Specifically, during the maximum load test, the actual emission rate was 12.69 pounds per hour ("lbs/hr"), whereas the MAER is 12.0 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. Excess emissions were approximately 673 pounds for the non-compliant period.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

132 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended from the test date (August 10, 2011) to the compliance date (December 20, 2011).

Good Faith Efforts to Comply

10.0% Reduction

\$500

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent came into compliance on December 20, 2011, and the NOE was issued on December 2, 2011.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$203

Violation Final Penalty Total \$4,600

This violation Final Assessed Penalty (adjusted for limits) \$4,600

Economic Benefit Worksheet

Respondent Brazos Electric Power Cooperative, Inc.
Case ID No. 43289
Reg. Ent. Reference No. RN100221985
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$11,250	10-Aug-2011	20-Dec-2011	0.36	\$203	n/a	\$203

Notes for DELAYED costs

The actual cost of retesting the turbine. The Date Required is the date of the violation, and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$11,250

TOTAL

\$203

Screening Date 11-Jan-2012

Docket No. 2012-0099-AIR-E

PCW

Respondent Brazos Electric Power Cooperative, Inc.

Policy Revision 2 (September 2002)

Case ID No. 43289

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100221985

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3) and 116.115(b)(2)(F), Permit Nos. 83801 and PSD-TX-1117, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to comply with the PM MAER for GE 7FA CTG EPN HRSG4 during a performance stack test completed on August 12, 2011. Specifically, during the maximum load test, the actual emission rate was 12.08 lbs/hr, whereas the MAER is 12.0 lbs/hr.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation. Excess emissions were approximately 70 pounds for the non-compliant period.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

131 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Two quarterly events are recommended from the test date (August 12, 2011) to the compliance date (December 21, 2011).

Good Faith Efforts to Comply

10.0% Reduction

\$500

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes

The Respondent came into compliance on December 21, 2011, and the NOE was issued on December 2, 2011.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$202

Violation Final Penalty Total \$4,600

This violation Final Assessed Penalty (adjusted for limits) \$4,600

Economic Benefit Worksheet

Respondent Brazos Electric Power Cooperative, Inc.
Case ID No. 43289
Req. Ent. Reference No. RN100221985
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$11,250	12-Aug-2011	21-Dec-2011	0.36	\$202	n/a	\$202

Notes for DELAYED costs

The actual cost of retesting the turbine. The Date Required is the date of the violation, and the Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$11,250

TOTAL

\$202

Compliance History

Customer/Respondent/Owner-Operator:	CN600128821	Brazos Electric Power Cooperative, Inc.	Classification: AVERAGE	Rating: 2.88
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Regulated Entity:	RN100221985	JACK COUNTY GENERATION FACILITY	Classification: AVERAGE	Site Rating: 0.23
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ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	JA0068E
	AIR OPERATING PERMITS	PERMIT	2169
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	JA0068E
	AIR NEW SOURCE PERMITS	PERMIT	52756
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1117
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1026
	AIR NEW SOURCE PERMITS	PERMIT	83801
	AIR NEW SOURCE PERMITS	AFS NUM	4823700658
	ON SITE SEWAGE FACILITY	PERMIT	119071
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	JA0068E

Location:	3844 HENDERSON RANCH RD, BRIDGEPORT, TX, 76426
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TCEQ Region:	REGION 03 - ABILENE
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Date Compliance History Prepared:	January 10, 2012
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Agency Decision Requiring Compliance History:	Enforcement
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Compliance Period:	January 10, 2007 to January 10, 2012
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TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:	Miriam Hall	Phone:	(512) 239-1044
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Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If **YES**, who is the current owner/operator? N/A
4. If **YES**, who was/were the prior owner(s)/operator(s)? N/A
5. If **YES**, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	01/22/2007	(537420)
2	02/05/2007	(538373)
3	06/29/2007	(564074)
4	11/05/2007	(597285)
5	01/31/2008	(616300)
6	01/31/2008	(616304)
7	10/15/2008	(704047)
8	12/21/2009	(778689)
9	10/13/2009	(779047)
10	10/13/2009	(779050)

11 11/03/2010 (870454)
12 07/11/2011 (937122)
13 10/20/2011 (962218)
14 12/01/2011 (969999)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/21/2009 (778689) CN600128821
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(a)
5C THSC Chapter 382 382.085(b)
Description: Failure to comply with 30 TAC 116.115(a); Report of construction progress. The permit holder shall report start of construction, construction interruptions exceeding 45 days, and completion of construction. The report shall be given to the appropriate regional office of the commission not later than 15 working days after occurrence of the event.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BRAZOS ELECTRIC POWER
COOPERATIVE, INC.
RN100221985**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-0099-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Brazos Electric Power Cooperative, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an electric generation plant at 3844 Henderson Ranch Road in Bridgeport, Jack County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 7, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Two Hundred Dollars (\$9,200) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Seven Thousand Three Hundred Sixty Dollars (\$7,360) of the administrative penalty and One Thousand Eight Hundred Forty Dollars (\$1,840) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On December 20, 2011, retested General Electric Model 7FA Combustion Turbine Generator ("GE 7FA CTG") Emission Point No. ("EPN") HRSG3, and demonstrated that particulate matter ("PM") emissions were compliant with the permit; and
 - b. On December 21, 2011, retested GE 7FA CTG EPN HRSG4, and demonstrated that PM emissions were compliant with the permit.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to comply with the PM maximum allowable emission rate ("MAER") for GE 7FA CTG Emission Point No. HRSG3 during a performance stack test completed on August 10, 2011, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F), Permit Nos. 83801 and PSD-TX-1117, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 29, 2011. Specifically, during the maximum load test, the actual emission rate was 12.69 pounds per hour ("lbs/hr"), whereas the MAER is 12.0 lbs/hr.

2. Failed to comply with the PM MAER for GE 7FA CTG EPN HRSG4 during a performance stack test completed on August 12, 2011, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(b)(2)(F), Permit Nos. 83801 and PSD-TX-1117, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on November 29, 2011. Specifically, during the maximum load test, the actual emission rate was 12.08 lbs/hr, whereas the MAER is 12.0 lbs/hr.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Brazos Electric Power Cooperative, Inc., Docket No. 2012-0099-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or

authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Randy Sawyer Jr.
For the Executive Director

5/16/12
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Mike Meyers
Signature

February 29, 2012
Date

MIKE MEYERS
Name (Printed or typed)
Authorized Representative of
Brazos Electric Power Cooperative, Inc.

Manager, Environmental Services
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.